IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.) NO.09-CR-30154-WD	S
FELTON NELSON,)	
Defendant.)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

Before the Court is defendant's pro se motion for jail time credit (Doc. 54) in which he seeks to receive credit for federal time served with respect to his state convictions.

The defendant asserts that he should receive federal credit for time served from October of 2009. At sentencing, the defendant raised this same claim, i.e. that he should receive time for his federal custody. However, he was still in state custody on his state charges during this time, and, although he had been brought to federal court on a writ, he was not technically in "federal custody" at that time. His federal time did not begin until he was sentenced in this Court, and it is at the discretion of the Court as to whether he would receive credit for that time. At the time of his sentencing, the Court addressed the issue of credit for time served on the revocation, and determined that the Court would not give the defendant credit. See, U.S.S.G. §§ 5G1.3, Application Note 3(C); 7B1.3, Application Note 4.

The defendant was not then, and is not now, entitled to credit for time served. Defendant's motion is, accordingly, **DENIED** on all grounds raised.

IT	IS	SO	ORD	ERED.
	10	\mathbf{v}	OIL	EKED.

DATE: 6 June, 2011

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE